

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MICHAEL W. OWENS,

Plaintiff,

v.

Civil Action No. **3:23CV733 (RCY)**

VIRGINIA PAROLE BOARD,

Defendant.

MEMORANDUM OPINION


Plaintiff, a Virginia inmate, submitted this action. Plaintiff has requested leave to proceed *in forma pauperis*. The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See Owens v. Dir. Health Care Servs.*, No. 1:20cv1546 (AJT/IDD) (reciting cases). Plaintiff's current complaint does not suggest that he is in imminent danger of serious physical harm. Accordingly, his request to proceed *in forma pauperis* will be DENIED. The action will be DISMISSED WITHOUT PREJUDICE. Plaintiff remains free to submit a new complaint with the full \$402 filing fee. The Court will process such a complaint as a new civil action.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: November 22, 2023
Richmond, Virginia



Roderick C. Young
United States District Judge